

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FERMIN CORTEZ, <i>et al.</i> ,)	8:08CV90
)	
Plaintiffs,)	
)	
and)	
)	8:08CV99
DAVID CHUOL, <i>et al.</i> ,)	
)	
Plaintiffs,)	PLAINTIFFS' UNOPPOSED MOTION
)	REGARDING POSTCARD NOTICE
vs.)	TO THE CLASS REGARDING THE
)	TRIAL DATE; PLAINTIFFS'
NEBRASKA BEEF, LTD. and)	OPPOSED MOTION THAT COST OF
NEBRASKA BEEF, INC.,)	MAILING THE POSTCARD NOTICE
)	BE PAID BY DEFENDANT
Defendants.)	

**PLAINTIFFS' UNOPPOSED MOTION REGARDING POSTCARD NOTICE TO
THE CLASS REGARDING THE TRIAL DATE**

This 16th day of February 2010, Plaintiffs hereby respectfully move the Court to approve the attached postcard notice to be sent to the certified Classes to alert them of the new trial date. The postcard notice, to be sent in English and Spanish, is attached to the Index of Evidence as **Exhibit A**. Plaintiffs believe the notice is necessary because the notice that was previously sent to Class members instructed them that trial was scheduled for January 31, 2011. Trial has now been scheduled for May 2, 2011. Plaintiffs have met and conferred with Defendant concerning the form of the postcard notice, and Defendant has stated that it does not oppose the form of the notice or the mailing of the notice to the class members.

**PLAINTIFFS' OPPOSED MOTION THAT COST OF MAILING THE POSTCARD
NOTICE BE PAID ENTIRELY BY DEFENDANT**

Plaintiffs also respectfully move the Court to issue an order directing Defendant to pay the cost of mailing the postcard notice to the Class Members. The basis for this request is that

the trial date was continued solely as a result of Defendant's conduct in producing a significant number of critical documents, that Plaintiff had repeatedly requested throughout this litigation, just weeks before the January 31, 2011 trial date. In the past when the trial date was continued at Plaintiffs' request, Plaintiff has assumed the entire cost of the mailing of postcard notice. Fairness demands that since this Court moved the trial date because of Defendant's late production of documents, Defendant must assume the cost of mailing the notice informing the class members of the new trial date. Plaintiffs obtained an estimate from Rust Consulting, the vendor responsible for administering and processing the consents to join and certification notices in this case and for mailing the past notices regarding new trial dates to the class members. A copy of the estimate is attached to the Index of Evidence as **Exhibit B**. Rust Consulting has estimated the cost of mailing to be \$2,750.00.

For the foregoing reasons, Plaintiffs respectfully request that the Court issue an order directing Defendant to pay the entire cost of mailing the postcard notice to the Class Members and that the mailing be handled by Rust Consulting.

Respectfully submitted,

Dated: February 16, 2011

s/ Carolyn H. Cottrell
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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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